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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/517,093

Filing Date

December 6, 2004

First Named Inventor

Frank Seibertz

Art Unit

1612

Examiner Name

Lezah Roberts

Attorney Docket Number

RO0953US (#90568)

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

return postcard receipt

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

D. Peter Hochberg Co., L.P.A.

Signature

Printed name

D. Peter Hochberg

Date

July 25, 2008

Reg. No.

24,603

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name

Sean Mellino

Date

July 25, 2008

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JUL 29 2008
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PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees payable to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number 10/517,093
Filing Date December 6, 2004
First Named Inventor Frank Seibertz
Examiner Name Lezah Roberts
Art Unit 1612
Attorney Docket No. RO0953US (#90568)

OIP & TRADEMARK OFFICE
JUL 29 2008
PATENT & TRADEMARK OFFICE

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 08-2441 Deposit Account Name: D. Peter Hochberg Co., L.P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185
Total Claims	Extra Claims	Fee (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x 260.00 = 0.00

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge):

SUBMITTED BY

Signature *D. Peter Hochberg* Registration No. 24,603 Telephone 216-771-3800
Name (Print/Type) D. Peter Hochberg Date July 25, 2008

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-07)

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For FY 2008

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Application Number 10/517,093
Filing Date December 6, 2004
First Named Inventor Frank Seibertz
Examiner Name Lezah Roberts
Art Unit 1612
Attorney Docket No. RO0953US (#90568)

QIP E
JUL 29 2008
PATENT & TRADEMARK OFFICE

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify):
☒ Deposit Account Deposit Account Number: 08-2441 Deposit Account Name: D. Peter Hochberg Co., L.P.A.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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Other (e.g., late filing surcharge):

Fees Paid (\$)

SUBMITTED BY

Signature *D. Peter Hochberg* Registration No. 24,603 Telephone 216-771-3800
Name (Print/Type) D. Peter Hochberg Date July 25, 2008

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I hereby certify that this document is being deposited with the United States Postal Service as First Class mail in an envelope addressed: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on the date noted below:

Date: July 25, 2008

Sean Mellino
Sean Mellino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Frank Seibertz, et al.
Serial No. : 10/517,093 (Conf. No. 1122)
Filing Date : December 6, 2004
Examiner : Lezah Roberts (Art Unit 1612)
Title : FILM-SHAPED, DISINTEGRATABLE PREPARATIONS
FOR ACTIVE SUBSTANCE RELEASE AND
PROCESSES FOR THE PRODUCTION THEREOF
Attorney File : RO0953US (#90568)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Reply to Office Action Issued June 27, 2008

Dear Sir:

Claims 1-82 are pending in the instant application. The Examiner has concluded that restriction to one of the following three groups is necessary:

- Group I - Claims 1-6, 11-23 and 44-46, drawn to a process of making a film.
- Group II - Claims 8, 24-32 and 64-82, drawn to a process of making a multilayer film.
- Group III - Claims 7, 9, 10, 33-43 and 47-63, drawn to a process of making a film comprising a microencapsulate component.

The Examiner explains in the Office action that the inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features since Group I is drawn to a process of producing a film comprising at least one water soluble polymer and one gas-forming agent in an aqueous medium is not the Applicant's contribution over the art. The Examiner refers to U.S. published application number 2003/0224090 (Pearce, et al.) which teaches incorporating sodium bicarbonate in a candy where the candy is formulated into a film. The Examiner further states that the reference teaches that the compositions are made into solutions, cast or poured and then dried.

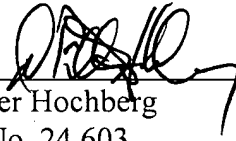
The Applicants object to the instant restriction requirement, *with traverse*. The Applicants respectfully disagree with the Examiner's position as set forth above and which is set forth in the Office action, pages 2-3. In particular, the Applicants submit that the Examiner's position that "Group I drawn to a process of producing a film ... in an *aqueous medium* is not the Applicant's contribution over the art" is not in accordance with the recitation of present claim 1. Present claim 1 recites "dissolving or suspending the components in a solvent or suspending agent that is substantially free from water" (emphasis added). It is submitted that it would be clear to one skilled in the art that "substantially free from water" (present claim 1) is the opposite of "aqueous" (cited prior art).

The Applicant hereby elects the claims of Group I (which includes claims 1-6, 11-23 and 44-46, drawn to a process of making a film.

The Examiner is invited to call the undersigned if there are any remaining issues

to be discussed which could expedite the prosecution of the present application.

Respectfully submitted,

By: 
D. Peter Hochberg
Reg. No. 24,603

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